

1 FRANK FALZETTA, Cal. Bar No. 125146
SCOTT SVESLOSKY, Cal. Bar No. 217660
2 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
333 South Hope Street, 48th Floor
3 Los Angeles, California 90071-1448
Telephone: 213-620-1780
4 Facsimile: 213-620-1398
ffalzetta@sheppardmullin.com
5 ssveslosky@sheppardmullin.com

6 TED C. LINDQUIST, III, Cal. Bar No. 178523
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
7 Four Embarcadero Center, 17th Floor
San Francisco, California 94111-4109
8 Telephone: 415-434-9100
Facsimile: 415-434-3947
9 tlindquist@sheppardmullin.com

10 Attorneys for Defendant and Counterclaimant
LIBERTY MUTUAL FIRE INSURANCE COMPANY

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 LARGO CONCRETE, INC., a California
Corporation; N.M.N. CONSTRUCTION,
15 INC., a California Corporation,

16 Plaintiffs,

17 v.

18 LIBERTY MUTUAL FIRE INSURANCE
COMPANY, a Massachusetts Corporation,
19 and DOES 1 through 100, inclusive.

20 Defendants.

21 AND RELATED COUNTERCLAIM

Case No. C07-04651 CRB (ADR)

Hon. Charles R. Breyer
[Complaint Filed: September 10, 2007]

**STIPULATION AND [PROPOSED]
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE AND
RELATED DEADLINES**

[Declaration of Frank Falzetta filed
concurrently]

22
23 **STIPULATION**

24 This Stipulation is entered into by and between plaintiff Largo Concrete, Inc.
25 and plaintiff and counterdefendant N.M.N. Construction, Inc. (collectively "Plaintiffs"), by
26 and through their attorney of record, Nicholas Roxborough Esquire, of Roxborough,
27 Pomerance & Nye LLP, and defendant and counterclaimant Liberty Mutual Fire Insurance
28

1 Company ("Liberty Mutual"), by and through its attorney of record, Frank Falzetta,
2 Esquire of Sheppard, Mullin, Richter & Hampton LLP, with respect to the following facts:

3
4 WHEREAS, on October 23, 2007, Liberty Mutual filed a Motion to
5 Disqualify Roxborough, Pomerance & Nye (the "Roxborough firm") from representing
6 Plaintiffs in this matter;

7
8 WHEREAS, Liberty Mutual's Motion to Disqualify the Roxborough firm is
9 currently set for hearing before this Court on December 21, 2007;

10
11 WHEREAS, December 21, 2007 is also the last day for the parties to meet
12 and confer regarding their initial disclosures, early settlement, ADR process selection, and
13 discovery plan, and file a Joint ADR Certification;

14
15 WHEREAS, January 4, 2008 is the last day for the parties to file their Rule
16 26(f) Report, complete initial disclosures, and file a Case Management Statement;

17
18 WHEREAS, the Court has set an Initial Case Management Conference
19 ("CMC") to occur at 8:30 a.m. on January 11, 2008;

20
21 WHEREAS, Liberty Mutual cannot participate in the early meeting of counsel
22 with the Roxborough firm because it believes that the Roxborough firm is ethically
23 prohibited from representing Plaintiffs adverse to Liberty Mutual in this matter;

24
25 WHEREAS, until the Court rules on Liberty Mutual's Motion to Disqualify
26 the Roxborough firm, it is premature for the parties to comply with the pre-CMC deadlines
27 or participate in a CMC.

1 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by
2 and between the parties that:

3
4 1. The CMC is continued to 8:30 a.m. on February 1, 2008; and
5

6 2. All other pre-CMC deadlines are continued as set forth in the Court's
7 September 10, 2007 Order Setting Initial Case Management Conference and ADR
8 Deadlines.
9

10 Dated: December 19, 2007

11 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

12
13 By



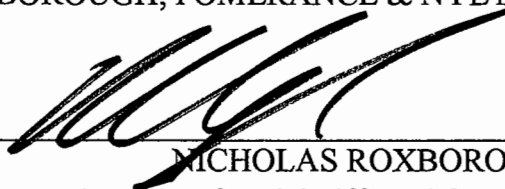
FRANK FALZETTA

14 Attorneys for Defendant and Counterclaimant
15 LIBERTY MUTUAL FIRE
16 INSURANCE COMPANY

17 Dated: December 19, 2007

18 ROXBOROUGH, POMERANCE & NYE LLP

19
20 By



NICHOLAS ROXBOROUGH

21 Attorneys for Plaintiffs and Counterdefendant
22 LARGO CONCRETE, INC. and
23 N.MN. CONSTRUCTION, INC.
24

25 **ORDER**

26 The Court, having read and considered the foregoing Stipulation, and good
27 cause appearing therefore,
28

1 IT IS HEREBY ORDERED as follows:
2

3 1. The CMC is continued to February 1, 2008; and
4

5 2. All other pre-CMC deadlines are continued as set forth in the Court's
6 September 10, 2007 Order Setting Initial Case Management Conference and ADR
7 Deadlines.
8
9

10 Dated: December __, 2007
11
12

13 _____
14 THE HON. CHARLES R. BREYER
15 DISTRICT COURT JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28